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ABSTRACT

The goals of this position paper are: (1) to describe some specific roles the federal state and local governments can play in regard to child care standards and regulations and (2) to make some straightforward and down-to-earth suggestions, which should undergird national child care standards and regulations, as these relate to day care. Some of the issues addressed are legal aspects of standards, the work of the FIDCR appropriateness committee, the federal role of improving day care, resolutions of the Region VI child development task force, opinions on day care and social policy, the Texas day care study, and community level cooperation. (MS)

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A Position Paper on the Role of Federal, State and Local Governments on Standards, Regulations and Laws for Day Care

The Alliance of
Child Development
Associations

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PS 009348

A Position Paper on the Roles of Federal, State and Local Governments on Standards, Regulations and Laws for Day Care

by

Michael A. Zaccaria, Ph.D. and and John W. Hollomon, Ph.D.[1]

Introduction

The primary reason for writing this position paper is to achieve two interrelated objectives:

1) to describe some specific roles the federal, state and local governments can play in regard to child care standards and regulations; and

2) to make some straightforward and down-to-earth suggestions, which should undergird national child care legislation, as these relate to day care.

The content of this paper therefore provides not only fresh insights into the state of the art, but it also offers practical and definitive suggestions, which should prove to be effective in the promulgation and implementation of legislative requirements.

Background

In the development of this position paper, use was made of a variety of information and feedback in the form of written and oral communications, including data and information from research studies, position papers, short and long articles in newsletters, professional journals, and unpublished written reports. Some of the most valuable input was that gained from forums, seminars, workshops, and informal dialogue with child care providers, advocates, agency personnel, parents and others, representing numerous entities. In addition, the authors used much of their own research, reviews and reports that were often developed because of a need or an expressed request by some group of interested individuals.

The day care-child development area is a very complex one, that often puzzles the most enlightened individuals when faced with the multi-faceted problems that exist. Perhaps some of the biggest problems are that while the individuals representing any advocacy, profession, discipline or other entity are sincere, they tend to look at these problems from a relatively narrow perspective. Thus, a broad range of important considerations is often neglected. For example, researchers may look at results from a rather narrowly defined view only considering research pertinent to their area of expertise. Yet, in making recommendations, some of these researchers go beyond their findings, even without considering other related research or practicality. The authors therefore attempt to fill in such gaps by conducting their own research and reviews, and by dialogue and using communication with caregivers of various entities as well as parents and other interested publics. Some of the most pertinent resources used are footnoted below.[2] Other concepts included emanated from a variety of related sources.

An HEW Office of Child Development publication[3] cites three types of regulations or standards for day care: (1) state licensing requirements which represent the basic floor of protection for children in day care; (2) standards required for public funding represent a higher quality condition for subsidy; (3) standards for voluntary accreditation, a set of model standards which are a ceiling for quality to be continually raised over time.

Legal Aspects of Standards

Gwen Morgan[4] discussed grounds for challenges in the FIDCR and their enforcement which include failure of a particular standard to meet (1) the constitutional tests of clarity or practicality, (2) the test of greater goodness, and (3) selective or discriminatory enforcement.

She explains that for the test of clarity the man in the street should be able to know what is expected. Vague or general wording may leave a reasonable man unclear as to what is expected and thus could be ruled unfair. It is conceded by many that the 1968 FIDCR could easily be challenged and that the proposed 1972 FIDCR were a considerable improvement.

In accordance with the law of greater goodness, the rule should not generate greater evil than the good it seeks to accomplish. The court might decide not to support the rule if it produces serious harm as a side effect of accomplishing its goal. A study by the Brookings Institute, as well as findings by other agencies and organizations, indicate quite clearly that the more stringent standards and higher costs of federal standards do bring about harmful effects. They set up a dual system of day care — one for poor children and a separate one for those who are not subsidized. For example, it was intended that the best care be provided for the economically disadvantaged children. Yet, an insufficient amount of federal and state monies were appropriated to accomplish this goal. In some states the high costs of the federal standards are twice those for the private

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[2]*Alternatives to FIDCR: The Feasibility of State Standards for Certification of Federally-supported Day Care* by Richard R. Rowe, Ph.D., American Institutes for Research, Cambridge, Massachusetts, December 1976; *Critical National Issues of Child Care* by Michael A. Zaccaria, Ph.D., and John W. Hollomon, Ph.D. (Eds.), The Alliance of Child Development Associations, San Antonio, Texas 1975; *An Assessment of Barriers to Compliance with the Federal Interagency Day Care Requirements in Region V* by Unco., Inc., Arlington, Virginia, October 1976; "Bringing up Day Care" by Ed Zigler and Susan Hunsinger, *APA Monitor,* Washington, D.C., March 1977; "Federal Regulations and Day Care" by Zaccaria, Hollomon, Seale and Laechelin in *Child Care Newsletter,* the Alliance of Child Development Associations, San Antonio, Texas, Fall 1976; and *Opinions on Day Care and Social Policy,* a study sponsored by the Southwest Federal Regional Child Development Task Force, Dallas, Texas, March 1977.

[3]*Day Care: Serving Preschool Children,* DHEW Publication No. (OHD) 75-1057, 1974.

[4]*Legal Aspects of Federal Day Care Standards* by Gwen G. Morgan, Wheelock College, Massachusetts, March 15, 1976.

paying children. In many states for each poor child that is in a federally subsidized child care program, there are at least five other children who are just as poor for which there are no child care services. An argument can thus be made that the high cost of the federal standards uses up the appropriation and leaves other poor children without any service.

A particular standard may also have an effect on the cost to a non-subsidized family. Its effect may be that of operating as rate setting. Since a large portion of a day care budget is often spent for staff, the number of children per staff member is closely related to the cost. Thus if staff to children ratios are unreasonably stringent, this would raise the cost of day care to the extent that a non-subsidized family would not be able to afford it, requiring it to select a less formal and, perhaps, less safe child care arrangement.

Importance of Work of the FIDCR Appropriateness Committee

While some child care advocates, experts, and agency personnel may have had laudible intentions, and while they may have brought about conditions that improved the lot for some children, the side effects may have produced more serious harm for a greater number of other children. This points out the need for the broad range of studies, position papers, and other inputs which the FIDCR Appropriateness Committee is requesting. The Committee is to be commended for its foresight and open-mindedness. This also points out the need for town hall type meetings and dialogue which are required by federal and state administrative procedure acts and policies. These kinds of activities and dialogues help to bring about better understanding and consensus on the pertinent issues — consensus which is much more important and very different from a mere majority vote.

The Federal Role of Improving Child Care

In the Phase I report[5] on day care licensing (1971), it was clear that many states lacked legal and regulatory protection for children in child care facilities. The scope of coverage among the states varied considerably. This condition probably necessitated federal regulations for the minimum protection of children in child care facilities in federally funded programs.

The second phase on day care licensing resulted in a federal manual, *Guides for Day Care Licensing*.[6] The manual includes a model state day care licensing act, program and staff requirements, health and sanitation requirements, fire and safety requirements, administrative considerations, and zoning for day care.

The licensing of day care by states has made rapid progress during recent years according to an UNCO study on barriers to compliance with FIDCR in Region V.[7] A comparison of FIDCR and state standards for the six states in Region V (Wisconsin, Illinois, Ohio, Indiana, Minnesota, Michigan) shows that the margin of difference is small for day care centers with the exception of children to staff ratios. It might be inferred that the FIDCR and guidelines to licensing have had an effect in many states in the enactment of child care legislation and the development of regulations for improving day care.

Resolutions of Region VI Child Development Task Force

On March 17, 1977 the Southwest Federal Regional Child Development Task Force adopted at least three resolutions that have some pertinence to this paper. This Task Force consists of federal and state agency personnel from the five state area (Texas, New Mexico, Arkansas, Oklahoma, Louisiana), as well as advocacy representatives, child care operators of various entities, and pertinent professionals. The following is the essence and the content of the resolutions.

> 1) Federal and state legislatures should enact laws, but allow federal and state agencies to develop standards and regulations for the implementation of such laws.

The state-of-the-art in child care is changing because of pertinent research, experience and other empirical data. Setting standards and regulations into law that is either inflexible or unenforceable can prove to be unfair to the taxpayers, the providers, and the agencies. Changing conditions and new knowledge in the state-of-the-art might well require periodic changes in standards and regulations which would be more difficult to make if the law is not flexible. The Congress and state legislatures have already enacted administrative procedures acts which encourage the use of town hall type meetings, dialogues, and consensus. Agencies should thus be given the responsibility that they were originally intended to have.

> 2) Allow states to substitute their staff to children ratios under certain conditions, as these are proven to be effective in state licensing standards.

The National Day Care Study, which was designed to answer questions related to staff competencies and staff to children ratios, is the first major study of its kind being funded by the federal government. It will not be completed in time for FIDCR appropriateness recommendations to the Congress. No definitive studies to date justify the FIDCR staff to children ratios as written. The implementation of stringent FIDCR staff ratios would probably mean less child care with federal funds than is already being provided. The Task Force thus recommended that each state be allowed to substitute its own staff to children ratios until further studies are completed, provided that the state staff ratios are involved in extensive town hall meeting type of review before implementation.

> 3) Allow each state to submit its child care standards and regulations for federal approval.

It is recognized that economic and other practical realities of states differ in regard to child care quality and quantity. The present FIDCR and state standards often impose two different and confusing sets of standards upon operators and monitoring agencies. The Task Force recommended

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[5] *State and Local Day Care Licensing Requirements*, DHEW Publication No. (OCD) 73-1066, August, 1971.

[6] *Guides for Day Care Licensing*, DHEW Publication No. (OCD) 73-1053, January, 1973.

[7] *Assessment of Barriers to Compliance with the Federal Interagency Day Care Requirements in Region V*, UNCO, Inc., Arlington, Virginia, October 1976.

that a state be allowed the option of submitting its child care standards and regulations together with a plan of action for approval by HEW, provided that the standards and regulations meet appropriate requirements which ensure safety of buildings and premises; continuity of developmental care/education of children; rest, nutrition, and health and safety of children. This would allow states to continuously improve their programs, consistent with their capabilities and input of their own constituencies.

A Public Review in Federal Region VI of the FIDCR

One of the most pertinent reports which has relevance for this position paper was the public review in Federal Region VI of the Federal Interagency Day Care Requirements (FIDCR). This input-review was conducted under the assumption that there would be FIDCR for all federally funded programs. This study was in consonance with the National Administrative Procedures Act and HEW policy. There were 306 respondents representing various categories of child care professionals, advocates and providers and consumers in both public and private sectors. The review was designed to survey attitudes toward the acceptance of specific federal requirements, and to determine how the requirements might be revised. The results of this review showed that among those responding to the survey, there is general agreement that the requirements presented for operators, administering agencies and in-home care were reasonable. The requirements used for the purpose of this study were a combined 1968, proposed 1972 and Title XX FIDCR. Major disagreements centered around children to staff ratios for day care centers. It was suggested that caregiver competence and parent involvement requirements needed further study. Other recommendations were relatively easy to incorporate into revisions.

Several inferences were also drawn from this input-review. The first dealt with the role of parents. FIDCR should not be so rigid in exacting duties and responsibilities of the day care center that the duties and responsibilities of parents are diminished. That is, the requirements should not be so encompassing on the part of the day care operators that they allow parents to abdicate their parental responsibilities.

The second inference dealt with ensuring competence of caregivers being a requirement that needs attention. Public policy on this item is somewhat confusing.

On the one hand, child care experts, advocates, and operators are all saying we must improve the competence of the staff members. On the other hand, our legislators are saying that day care facilities should be a place of primary employment for welfare recipients. These two positions appear to be incompatible. Selection and training criteria should be towards developing competent caregivers. Welfare recipients should be selected and trained for those jobs in which they would be both competent and satisfied. In the meantime it might be suggested that staff members be required to attend certain numbers of hours of training each year.

A third inference dealt with the staff to children ratios and the law of greater goodness which has already been discussed in another portion of this paper.

Another report which the authors relied on heavily was a second study instigated by the Southwest Federal Regional Child Development Task Force. This study dealt with day care and social policy and complements and supplements the public review of FIDCR. For these reasons it is herein described.

Opinions on Day Care and Social Policy

The purpose of the study was to determine opinions on various aspects of social policy dealing with day care and pertinent issues. The study involved a total of 225 individuals who responded to the questionnaire, including 23 independent providers, 21 federally funded providers, 40 other types of non-profit providers, 49 state licensing representatives, 40 state agency social services personnel, 23 advocacy and college personnel, and 29 parents who were consumers of day care.

Most of those participating in the study were from the five state area including Texas, New Mexico, Arkansas, Oklahoma and Louisiana. The conclusions reached from the study were as follows:

1) There was strong consensus among all groups in terms of parents having choice of child caring arrangements and facilities, and their having the right and responsibility of rearing their children.

2) There was strong consensus on aims and requirements of day care programs such as good day care benefiting nearly all children, programs should include social and cognitive development, centers should have lots of toys and equipment, staff members need to be trained to be more effective and more efficient, and day care should not merely provide baby sitting service.

3) Although there were great group differences in terms of agreement on some other aims and requirements of day care programs, there was majority agreement that day care strengthens and assists the family, and that quality and training of personnel were more important than group size.

4) Concerning regulation of day care, there was fairly strong consensus that state licensing provides some measure of ensuring safety and health of children, state licensing representatives are an important influence on day care, and that day care standards should be based on research and practical economics.

5) There was strong consensus regarding economically disadvantaged children that they should not be segregated, that they do not need closer supervision, that public money should be used for preventative health care, and that public money should be used to assist them to the extent that their parents are unable to do so.

6) There was strong consensus that public funds should provide child care for poor preschoolers beginning with one year of age. Agreement for providing child care for poor infants under six weeks of age was not overwhelming.

7) There was strong consensus among all groups concerning the following community services and expenditures: agencies and operators have a responsibility for expending public funds efficiently, the community should provide social, health and prescreening services for young children, and people are not willing to pay higher taxes to support free day care for everyone.

8) Most groups favored using public monies to provide training for all day care personnel.

9) A majority of most groups agreed that state regula-

tions of day care reflected the economic and political reality unique to a state.

The study concluded that in the development of legislation, policy and regulations, that

1) all parents be given freedom of choice in selecting child caring arrangements and child caring facilities;

2) parents be allowed input into policy development of facilities either through suggestion systems or through advisory committees;

3) social and cognitive development of children not be made an optional requirement;

4) centers should be required to have sufficient toys and equipment;

5) child care staff members be required to attend a minimum number of training sessions or workshops per year;

6) all group day care and day care centers be required to be state licensed;

7) all federal and state day care standards be based upon research and practical economics;

8) there should be strong encouragement for the development of policies that do not lead to the segregation of economically disadvantaged centers;

9) public money be used for preventative health care as well as dental and health care for poor children;

10) public monies be used to assist economically disadvantaged children to the extent that their parents are unable to do so;

11) agencies and operators be given responsibility for utilizing community resources before expending state and federal funds;

12) communities be given the responsibility to provide social, health and prescreening services for young children; and

13) public monies be used to help provide training for all day care personnel.

Confusion Between and Among Local, State and Federal Regulations

Apparently the Federal Interagency Day Care Requirements cause considerable confusion in the minds of providers of child care services, legislators, and the public. Many providers, for example, cannot distinguish between requirements from state licensing standards and those of federal standards. In the State of Texas, the standards are based on the 1975 Child Care Licensing Act which is considered a model licensing law. New regulations were developed based on this law. The day care regulations were subjected to considerable review and comments. All licensed child care providers, as well as advocacy groups, parents, and the general public, had opportunity to provide both written and verbal comments. All written comments were not only reviewed by staff members of the State Licensing Division of the Department of Public Welfare, but were also subjected to analysis, critique and review by the state Advisory Committee on Child Care Licensing Facilities. Members of this committee, with the assistance of the child care licensing staff, held town hall type meetings in various portions of the state to allow participation of any and all interested parties and citizens, including providers, parents and advocates. The total process, perhaps, involved the most comprehensive review that had ever been undertaken in conjunction with Federal and State enacted administrative procedures acts. The resulting child care regulations are perhaps the best and most comprehensive in the nation. They deal with health, safety and welfare of the child, staffing patterns, training of staff members, etc. A comparison of these standards with the HEW Office of Child Development *Guides for Day Care Licensing* reveals the comprehensiveness of the state standards fitting closely to the guides.

A number of provider organizations recognize this and are confused as to why it is necessary to also have federal day care requirements that are less comprehensive. Some feel that perhaps different bureaucrats need maximum requirements of paperwork that perpetuate bureaucracies and keep costs high. A recent analysis by the Texas Department of Public Welfare revealed that paperwork required for Title XX child care programs amounted to at least 25% of the costs of services. If one thinks about the overlapping functions between and among the various levels of governments, one could well see considerable confusion and added costs that are borne by parents and taxpayers who pay the fees for private and publicly funded child care. At the local level there may be confusion and jurisdictional battles in terms of who is responsible for inspecting facilities for safety of the premises. Determining safety of a premise may be a jurisdictional battle among building inspectors, environmental safety inspectors, fire inspectors and licensed plumbers and licensed electricians. There may be conflicting sets of rules and regulations that are not only costly to the taxpayer who pays their salary, but also costly to the taxpayer and parents who pay for the increased costs of the time that a child care administrator must spend in attending to resolving differences that often arise.

At a recent meeting of directors of the Bexar County (Texas) Coordinated Child Care Council, two of the child care directors of federally funded Title XX centers made a presentation of the number of forms and the amount of paperwork in which they were involved. The paperwork that one of the directors showed as evidence of a heavy portion of her workload was brought to the meeting in a small file box. This file box was quite heavy for her to lift. She displayed the numerous forms that were required by all levels of government. She and another director who made the presentation explained that they had to work long beyond their designated 40 hours to halfway keep up with all the paper work that is required by federal, state and local governments. They were annoyed not only at the amount of time spent, but also with the hours taken away from their primary job supervising those caring for children. They also expressed negative attitudes about the required amount of paperwork. They felt quite strongly that few are making any effort to cut down on the amount of paperwork. Implied in their comments was a real need for standard forms that could satisfy all agency requirements.

Erroneous Propaganda Harmful

There are a number of things that generally hurt the cause of children. These include erroneous information, overly restrictive policies, and governmental paternalism. These are not necessarily unrelated. Presently, only a very small proportion of preschool age children of working mothers are cared for in any licensed or registered day care facility. For example, authoritative studies, of which there

are relatively few, seldom indicate that any more than 8% of preschool age children of working mothers are in licensed group care or day care centers. The preference of mothers seems to be overwhelming for informal care of some sort. Some child care advocates claim that we need five or six times the number of licensed spaces we now have in day care to take care of all preschool age children of working mothers. A study by Stanford Research Institute shows quite clearly that there is not an overall shortage of spaces. As we know from experience in various communities, there may be shortages in some locales, but there is a definite surplus in others. Advocating more day care facilities when there is not always a real or expressed need for them gives the impression that the federal bureaucracy wants to control the lives of young children and their families. The Stanford report concluded that the present multilithic system of preschool and day care services is generally adequate and usually equitable.

Another point to bear in mind is that if legislation and regulations dictate too much detail from a federal level, this gives the impression that the federal government wants to be paternalistic and take the responsibility for child rearing away from children's parents. This is the kind of reasoning that led to wholesale objections by some elements of the religious community and the subsequent demise of the proposed Child and Family Services Act.

Administration Endorsement of Day Care

The President endorsed reasonable costing of day care as an important part of a national welfare system.[8] His aim appeared to be to make day care practical, not too costly, with reasonable children to staff ratios. He indicated that if regulations and standards were too strict, it would be cheaper to just pay the mother to stay home and take care of her own children.

He seemed to realize the complexity of day care and the role of governments and to favor the present multilithic national day care system.

Texas Day Care Study

This study* was sponsored by the Division of Occupational Research and Development of the Texas Education Agency, and conducted at the University of Texas at San Antonio by Michael A. Zaccaria, John W. Hollomon, and others.

This booklet describes the results of a study involving the development, administration, and analysis of a job inventory of Texas day care positions. The inventory of tasks was used to determine the job performance of 684 child care workers in Texas day care centers and to determine the opinions of child care experts, center directors, licensing representatives, and others on such factors as consequences of inadequate performance, training priority, and task learning difficulty. Ten job description clusters evolved which account for nearly all the work performances of teaching and administrative staff members of day care centers used in the survey. Five of the job description cluster groups were of a teaching type, and five were of an administrative type. An extensive presentation of the data collected is included. Detailed job descriptions for the ten cluster groups and training materials for day care worker tasks are presented in the appendix.

Results are being used by caregivers, organizations, colleges and agencies for such aspects as job descriptions, curriculum development, career progression and analyses preceding possible voluntary accreditation of day care staff members. The Child Development Associate Program in Texas is undergoing changes based on results of this study.

The study also showed that teaching staff members of day care centers were routinely involved in numerous developmental-educational activities. It was inferred that there was considerable quality day care in Texas.

Barriers to Compliance with FIDCR in Region V

Because the UNCO report[9] contains much relevant information not ordinarily found elsewhere, some of the more pertinent comments are summarized in this section.

The report indicates that federally subsidized programs which are not subject to the FIDCR will grow, while those subject to the requirements will not. Several reasons are suggested for this opinion:

1) Federal expenditures which are close to the ceiling on programs limit expansion. Expenditures by states are expected to be close to the ceiling in fiscal year 1978.

2) Day care services were expanded rapidly under open-ended Title IV-A. There has been concern that day care receives an over-proportion amount, or 25%, of the Title XX program. Other advocate groups for the aging and the mentally retarded are expected to contest this.

3) Public Law 94-401 provides extra funding for day care for one year. (It is possible that it will be extended for an additional year.)

4) Head Start has remained constant. It is generally considered demonstration rather than principally a day care program. There appears to be a movement to part day programs as originally conceived for low income and socially deprived children.

5) WIN funds for day care decreased during fiscal years 1975-1977. There was an attempt to limit day care to 90 days and to place welfare recipients directly into jobs.

6) Work related day care expenses are being reimbursed to employed welfare recipients with an average federal matching rate of 55%. Greater reliance appears to be placed on this form of federal subsidy which is open ended as funds under Title XX become scarce and WIN appropriations become limited.

7) Federal tax credit for those paying for child care has been liberalized twice under federal law in three years.

Important barriers or constraints to FIDCR compliance relate to problems of implementing uniform programs or measurements of service on a national basis when there are major differences in state organizations, in state capacity to provide services, and in legal structures within a state. (There are also other major differences within a state.)

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[8] *Day Care and Child Development Reports*, Washington, D.C., Vol. 6 No. 3, February 14, 1977.

*Copies can be ordered at the cost of $3.50 plus postage using identification numbers ED 122 939 and PS 008 569 from the ERIC/ECE, 805 West Penn. Ave., Urbana, Illinois 61801.

[9] The comments from this section generally are those that emanated from *An Assessment of Barriers to Compliance with the Federal Interagency Day Care Requirements in Region V*, UNCO, Inc., Arlington, Virginia, October, 1976.

Pluralism has been an American tradition.

National standards are difficult to carry out even under the most ideal situations. There is probably no federal program which has been able to maintain consistent standards and operating procedures nationwide even for those programs which are federally administered. Day care's expenditures and commitment vary considerably from state to state.

Only 8% of total consumer costs of day care are federally funded. (Some 80% of licensed day care is of a private entity involving independent or voluntary facilities.)

Other exclusions of federally financed programs of child care from FIDCR include: (1) those with 5 or fewer children, or 20% or less from federally financed programs; (2) care in child's own home; (3) care which is federally subsidized through reimbursement or tax credit; (4) all care which is privately funded such as that purchased in church operated or independent facilities.

Conglomerate Coalitions Needed

Presently, more than ever before, concerned groups of providers and advocacies of various entities are attempting to form coalitions and to resolve differences for the benefit of all children. Only by understanding each other's points of views and viewpoints, and by coming to some form of consensus, at least on a number of issues, can we advance the cause that will benefit children. Nonetheless, there are a few groups who are trying to exist in their own little worlds and to push their individual causes without the benefit of dialogue and consensus. Such groups can only bring about polarization rather than consensus. These activities will further diffuse and confuse the issues. These are the kinds of activities that have defeated the Child and Family Services Act that was vetoed a few years ago. We are in a better state today to bring about coalitions of relevant people and groups. While there appears to be a readiness to reach some interim consensus on the roles of governments as well as the FIDCR, it is recommended that we not make premature decisions in terms of a policy regarding families and children. Policy should not be developed until all interested publics have had sufficient opportunities to review and discuss the pertinent issues.

Cooperation Needed at Community Level

An additional important area is that of encouraging communities to coordinate and cooperate in child care services. While some communities lack child care facilities, others have an over-abundance. Through efficient use of already existing facilities and services, it is possible to provide more child care for children requiring them. In some communities representatives of independent, voluntary and publicly funded providers of child care services are cooperating and planning activities for the benefit of children. A multilithic approach should be encouraged although it is recognized that in some communities a small number of facilities, or even one provider arrangement, may be all that is required. Representatives of different entities should be encouraged to meet and plan the total services to be provided including consideration of the facilities already available, those that might need be acquired, as well as the determination or compromise on who will provide other services. In a similar manner communities, agencies, institutions, organizations and associations should develop a plan for use of resources for medical, health, dental, prescreening and social services. In those locales in which some or all of these can be provided without cost, this should be done in order to provide maximum services for all children with priority to the economically disadvantaged children. Where public funds must be used for social services, this may require that prescreening and social services be an adjunct to the child care facilities program. These services could be coordinated or provided by a state or local agency within the community.

Other Considerations

In a recently published article[10], the authors pointed out some problem areas in federally financed programs in the southwestern region. Few realized the diversified or differential impact of the FIDCR on the various programs in the southwestern states. Considerable differences exist in the purchase of care for preschool aged children with federal funds in these five states of HEW Region VI. In Oklahoma the state purchases child care from private facilities such as voluntary or independent centers. Except for Head Start centers, the economically disadvantaged children tend to be integrated with a range of socio-economic backgrounds in the Oklahoma private centers. Imposition of the FIDCR upon these private centers would have a disastrous effect on the poor children of Oklahoma. In Louisiana only a small portion of child care services are paid for by state and federal funds in Title XX type centers, with a great majority of children integrated into independent or voluntary centers. On the other hand, over 80% of children cared for with Title XX funds in the State of Texas are in Title XX type centers which admit few or no children other than those coming from economically disadvantaged families. Only a small proportion of economically disadvantaged children are cared for in fully integrated centers in Texas.

Officials of at least two states, Louisiana and Oklahoma, threatened to impose federal standards on all day care centers within those two states. The rationale was that there should be one set of standards within a state instead of both state and federal standards, and that federal standards are more stringent and better.

The authors of the referenced article pointed out the need for a rationale as concerns FIDCR and the role of governments in standards, regulations, and legislation. Such a rationale would include facts supported by research and other empirical evidence and assumptions to be taken into account. They point out that one of the reasons that we are unable to get consensus is that relatively few people have sufficient complete pertinent information. There is need for much exchange of information and dialogue.

It is suggested here that this paper be used as a point of departure to provide a minimum basis of information for dialogue among and between advocates, legislators, agency personnel, providers, parents, and other interested citizens.

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[10] Federal Regulations and Day Care," by Zaccaria, Hollomon, Seale and Laechelin, *Child Care Newsletter,* Alliance of Child Development Associations, San Antonio, Texas, Fall, 1976.

A Position Paper on the Role of Federal, State and Local Governments on Standards, Regulations and Laws for Day Care

The Alliance of Child Development Associations

SUMMARY

1. There should be federal standards that are flexible and similar in scope and content to the proposed 1972 FIDCR. There should be provision for waivers to reflect the state-of-the-art in child care, economic realities, and the present state of care for children in a state.

2. States ought to be allowed to use their own staff-ratio requirements if such have been developed under thorough town hall type meetings and other types of widespread procedures in consonant with the National Administrative Procedures Act and the HEW procedures in publication, review, etc., of a proposed regulation.

3. States that have developed a complete set of standards based upon guidelines furnished in licensing and in consonant with the Administrative Procedures Act should be allowed to substitute their licensing standards for the FIDCR for all programs, so long as the state standards are not in conflict with the federal law.

4. Federal and state legislators should be encouraged to develop appropriate legislation making maximum use of input from all types of relevant entities. Child care legislation should be based on a consistent national policy. Hearings should be held throughout the nation to ensure more equitable input from the parents, providers and other citizens.

Because of the state-of-the-art and other matters, legislators should be encouraged to leave out specific items that relate to regulations and standards and leave those to be developed by appropriate agency personnel. This will allow for sufficient input under Administrative Procedures Act, as well as give maximum leeway for changes in accordance with research developments and findings, and in harmony with the changes that are taking place in the state-of-the-art.

5. Efforts should be made at all levels of government to eliminate the excessive waste and duplication in paperwork that is brought about by legislatures and agencies. Day care administrators are expending a large proportion of child caring time for administration and other paperwork that detracts from focusing on the primary role of caregiver quality. Therefore, task forces should be set up at each level of government as well as between levels of government to minimize and eliminate unnecessary paperwork and other administrative procedures that do not contribute directly to caregiver quality.

6. Agencies and legislators should focus on the community as the prime source for child care and related services.

7. The community should make use of all its assets, including proprietary facilities — whether they are large or small — church facilities, other non-profit facilities, and public facilities. The national program should be multilithic. However, individual communities may be able to afford only a single facility, depending on a mixture of resources, willingness to provide facilities, as well as available local, state, and federal resources.

8. Public policy on caregiver competence needs to be consistent. On the one hand, child care experts, advocates, and operators are all saying we must improve the competence of the staff members. On the other hand, our legislators are saying that day care facilities should be a place of primary employment for welfare recipients. These two positions appear to be incompatible. Selection and training criteria should be towards developing competent caregivers. Welfare recipients should be selected and trained for those jobs in which they would be both competent and satisfied.

9. There is a need to reconsider the staff to children ratios of day care centers in light of the capability of child care providers, the state licensing standard ratios, local and regional conditions of the state-of-the-art and the law of greater goodness.

The law of greater goodness applies to a provision of intent and results. For example, child care advocates and experts may feel that we should provide the best possible care for the poor disadvantaged children. Thus a stringent staff to children ratio is implemented. Since funds might be limited, only a fraction of those children eligible are able to take advantage of those child care services that are provided. That is, some 8 to 10 other children of the same category are denied this care because the children in child care use up these funds. It can thus be argued that this requirement is unconstitutional and illegal since it does not allow the other poor children of the same category to participate because those few that are in the program have already used up the funds.

10. Parents should be given freedom of choice in selecting child caring arrangements and child caring facilities, and the right and responsibility of rearing their children.

11. Only a relatively small proportion of preschool age children of working mothers are cared for in licensed or registered facilities. The vast majority of child caring arrangements are of an informal nature where care is not provided in a licensed or approved facility.

12. In general, taxpayers are unwilling to pay higher taxes to support free day care for everyone. They expect that public money be used efficiently and economically. Closer supervision of economically disadvantaged children in day care does not seem to be generally warranted.